

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION**

**RUTH SMITH**, individually and on behalf of all  
others similarly situated,

Plaintiff,

v.

**SUNPATH, LTD.**, a Massachusetts corporation,

Defendant.

Case No. 1:22-cv-00081-LMB-WEF

**PLAINTIFF'S MOTION FOR LEAVE TO MODIFY CASE SCHEDULE**

Plaintiff Ruth Smith ("Plaintiff"), by and through her counsel, respectfully moves this Court for an Order modifying the case schedule. Plaintiff requests that the Court modify the schedule and grant a brief sixty (60) day extension of the existing discovery schedule. Additionally, Plaintiff requests that the Court vacate the final pretrial conference, which is currently scheduled for December 15, 2022, and set a briefing schedule regarding class certification. Plaintiff proposes the following modified deadlines:

- Discovery Cut-Off: February 10, 2022;
- Plaintiff's Expert Disclosure: December 9, 2022;
- Defendant's Expert Disclosure: January 6, 2023;
- Rebuttal Expert Disclosures: January 27, 2023;
- Plaintiff to file Motion for Class Certification: January 13, 2023;
- Defendant to file Opposition to Class Certification: February 3, 2023;
- Plaintiff to file Reply ISO Class Certification: February 17, 2023; and
- Final Pretrial Conference: To be set after a ruling on class certification.

The grounds for this motion are set forth in the accompanying Memorandum in Support pursuant to Local Rule 7(F)(1)

In accordance with Local Rule 7(E), Plaintiff certifies that she conferred with SunPath regarding the requested relief. SunPath does not consent to the requested relief.

Dated: October 7, 2022

**RUTH SMITH**, individually and on behalf of all  
others similarly situated,

By: /s/ Francis J. Driscoll, Jr.  
One of Plaintiff's Attorneys

Francis J. Driscoll, Jr.  
(frank@driscolllawoffice.com)  
4669 South Blvd., Suite 107  
Virginia Beach, VA 23452  
Telephone: 757-321-0054  
Facsimile: 757-321-4020

Patrick H. Peluso  
ppeluso@woodrowpeluso.com  
Woodrow & Peluso, LLC  
3900 East Mexico Ave., Suite 300  
Denver, Colorado 80210  
Telephone: (720) 213-0675  
Facsimile: (303) 927-0809

Attorneys for Plaintiff and the Classes

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the above titled document was served upon counsel of record by filing such papers via the Court's ECF system on October 7, 2022.

/s/ Francis J. Driscoll, Jr.